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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,787	10/18/2001	Kenneth Beirne	GES-0032	5435
28062 7590 07/05/2007 BUCKLEY, MASCHOFF & TALWALKAR LLC 50 LOCUST AVENUE NEW CANAAN, CT 06840			EXAMINER HAVAN, THU THAO	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 07/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p>09/682,787</p>	<p><b>Applicant(s)</b></p> <p>BEIRNE ET AL.</p>	
	<p><b>Examiner</b></p> <p>Thu Thao Havan</p>	<p><b>Art Unit</b></p> <p>3691</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/30/07</u>  | 6) <input type="checkbox"/> Other: _____                          |

### **Detailed Action**

#### ***Response to Arguments***

In view of the Appeal Brief filed on January 19, 2007, PROSECUTION IS  
HEREBY REOPENED. The new non-final office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the  
following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply  
under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied  
by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130,  
1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lent et al. (US 6,324,524) in view of Walker et al. (US 6,336,104) and further in view of Watson (US 5,991,750).

Re claims **1, 17, and 33**, Lent teaches a method for pre-screening customer data of a customer by a selling entity (col. 1, lines 8-14 and lines 45-55), comprising:

transmitting customer data to a server (col. 17, lines 22-51; fig. 14);

searching a database for customer data (col. 8, lines 31-51; col. 1, lines 31-44; col. 4, line 67 to col. 5, line 6);

performing a credit worthiness check to determine a credit pre-approval of customer (col. 13, lines 14-63; col. 5, lines 33-65; col.6, lines 42-54; col. 2, lines 9-21; col. 7, lines 1-15; col. 14, lines 14-32: *in other words, Lent discloses performing a credit check of a customer based on his/her credit score through credit bureau database such as Equifax, Trans Union, and Experian or through location of sale such as the Internet*);

providing customer with an invitation to open a charge account (figs. 11-12)

opening charge account upon acceptance of invitation by customer (col. 13, line 64 to col. 14, line 32);

selectively executing a charge purchase during check out process using opened charge account (col. 17, lines 52-65: *Lent discloses the claimed limitations by executing a balance transfer upon offering of charge amount. When a customer makes a balance transfer then it is a method of purchase using the opened charge account.*).

However, Lent does not explicitly teach point of sale system. Nevertheless, Lent discloses a system for pre-approving or pre-screening a customer data in relation to

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credit approval over the Internet. The Internet is a type of point of sale system (col. 2, lines 16-55; fig. 14). On the other hand, Walker specifically discloses point of sale system (col. 3, lines 13-37; col. 5, lines 51-62; col. 8, lines 43-57; figs. 2-3, 7, 11, and 13). He discloses point of sale system consisting of an ATM, a credit card issuer such as Citibank Corporation, a credit card clearinghouse such as First Data Corporation, or a store-specific (closed network) controller such as a controller that administers transactions on J. C. Penney credit cards. Thus, it would have been obvious to one of ordinary skill in the art to enable a point of sale system over a network via electronic communication as discloses in Walker.

In addition, Walker and Lent do not explicitly teach performing is done using a result of searching and without knowledge of and uninitiated by customer. On the other hand, Watson teaches the step of performing is done using a result of searching and without knowledge of and uninitiated by customer when he discloses a pre-authorization transaction phase (col. 4, lines 7-35; figs. 3-4). He discloses account transactions require individual pre-authorization according to specified pre-authorization parameters. For example, he discloses the account manager issues a pre-authorization request to the card issuer via a personal computer. The account manager in the pre-authorization request specifies an account number for which pre-authorization transaction parameters apply. Thus, it would have been obvious to one of ordinary skill in the art to enable a customer to be pre-approval for a credit by issuing a pre-authorization request that the customer is unaware of the pre-approval credit as discloses in Watson.

Re claims **2** and **18**, Lent teaches holding invitation open for a predetermined period of time and providing customer with information on how to access invitation at a future date (fig. 12).

Re claims **3**, **19**, and **36**, Lent teaches customer data includes at least one of said customer's: name, address, telephone number, social security number, photo identification card, and membership card relating to said selling entity (col. 4, lines 13-17; col. 5, lines 7-32).

Re claims **4** and **20**, Lent teaches determining whether a membership status of customer is active or inactive wherein further credit worthiness check is performed on customer data with an active status (figs. 1 and 4a-4b).

Re claims **5** and **21**, Lent teaches determining whether customer has a current charge account with selling entity (col. 1, lines 8-14).

Re claims **6-9** and **22-25**, Lent teaches credit worthiness check is performed by a credit bureau; credit worthiness check is performed by a credit issuer, is a full bureau check, and is a partial bureau check (col. 4, lines 36-55; col. 5, line 33 to col. 6, line 15).

Re claims **10**, **26**, and **35**, Lent teaches performing a credit worthiness check comprises determining at least one of a credit account limit, an annual percentage rate, and an account type for customers who have met specified criteria for credit pre-approval determination (col. 16, lines 3-33).

Re claims **11** and **27**, Lent teaches printing out invitation and providing a term or a condition of invitation (figs. 12 and 14).

Re claims **12** and **28**, Lent teaches offering customer an incentive to accept invention through at least one of a discount off of a purchase and a reduced interest rate (col. 16, lines 3-15).

Re claims **13**, **29**, and **34**, Lent teaches providing customer information on how to access invitation at a future date includes printing information on a receipt at point of sale system (fig. 14).

Re claims **14** and **30**, Lent teaches data related to a declination of invitations is transmitted to server and a customer record relating to data is updated (col. 5, lines 60-65).

Re claims **15** and **31**, Lent teaches providing customer with a charge card (col. 17, lines 61-63).

Re claims **16** and **32**, Lent teaches performing a fraud check, fraud check including verifying customer's identity (col. 6, lines 1-10; col. 7, lines 45-58; col. 9, lines 1-7; col. 16, lines 33-50).

Re claim **37**, Lent discloses link to a credit information server includes an Internet connection (col. 4, lines 4-35).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flextime schedule.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Thu Thao Havan

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6/24/07